

2021

Report to the Colorado General Assembly

Wildfire Matters Review Committee



Prepared by Legislative Council Staff
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Wildfire Matters Review Committee

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December 2021

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December 2021

To Members of the Seventy-second General Assembly:

Submitted herewith is the final report of the Wildfire Matters Review Committee. This committee was created pursuant to Part 16 of Article 3 of Title 2, Colorado Revised Statutes. The purpose of this committee is to oversee and review prevention, mitigation, public safety, and forest health in regards to wildfire matters in Colorado.

At its meeting on November 15, 2021 the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2022 session was approved.

Sincerely,

/s/ Senator Leroy Garcia
Chair

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This report is also available online at:

<http://leg.colorado.gov/committees/wildfire-matters-review-committee/2021-regular-session>

Committee Charge

Pursuant to Section 2-3-1602, C.R.S., the committee is charged with reviewing and proposing legislation or other policy changes related to wildfire prevention, mitigation, and related matters, including public safety and forest health issues. Senate Bill 13-082 created the Wildfire Matters Review Committee as an interim committee and Senate Bill 18-039 extended the repeal date of the committee to September 1, 2025. The committee did not meet in 2020 due to the COVID-19 pandemic. Senate Bill 21-012 requires the committee to review policy changes to maximize the utilization of wildland fire services through the inmate disaster relief program.

Committee Activities

During the 2021 interim, the committee held five meetings and took two field trips. The committee heard from a number of federal, state, local, and non-governmental entities involved in wildfire prevention, mitigation, suppression, and recovery. The committee visited with officials in Boulder and Larimer Counties to tour areas affected by wildfire in 2020. Entities that presented to the committee include:

- Colorado Association of Home Builders;
- Colorado Correctional Industries;
- Colorado Counties, Inc.;
- Colorado Department of Natural Resources (DNR);
- Colorado Department of Public Health and Environment (CDPHE);
- Colorado State Forest Service (CSFS), Colorado State University (CSU);
- Colorado Timber Industry Association;
- Department of Atmospheric Science, Colorado State University (CSU);
- Division of Fire Prevention and Control (DFPC), Colorado Department of Public Safety (DPS);
- Division of Insurance, Colorado Department of Regulatory Agencies (DORA);
- Healthy Air and Water Colorado;
- Housing and Building Association of Colorado Springs;
- Larimer County Sheriff's Office;
- Rocky Mountain TSG;
- Rocky Mountain Insurance Association;
- United States Forest Service (USFS);
- Western Resource Advocates;
- various county commissioners;
- various Fire Protection Districts;
- various electric utilities (e.g. Xcel Energy, Colorado Rural Electric Association); and
- various water utilities (e.g. Denver Water, Northern Water).

The following sections discuss the committee's activities during the 2021 interim.

Forest Management Efforts

The CSFS and the USFS discussed different forest management strategies for Colorado forests, the unmet need for mitigation to prevent large-scale wildfires, and negative impacts to forest health, including beetle kill and drought conditions. The committee heard from the DNR and the CSFS about significant state and federal grant funding for wildfire mitigation, and the Colorado Timber Industry Association presented on the importance of wood products in managing forests and strategies to strengthen the timber industry in Colorado. During a field trip to Boulder County, county representatives showed the committee how forest thinning and prescribed burns help prevent the spread of wildfire. A representative from Western Resource Advocates presented on the stigma around prescribed burns and policy changes to allow landowners to burn.

Committee recommendations. As a result of its discussions, the committee recommends Bill A, which creates a grant program for counties with forested areas to help them prevent and recover from wildfires by removing wildfire fuel and debris. The grant program will be administered by the CSFS. The committee also recommends Bill E, which creates a grant program, administered by the CSFS, to provide matching funds to local governments that raise dedicated revenue for forest management and wildfire mitigation activities. The committee recommended that a bill on prescribed burns for landowners be drafted, but the draft bill was not approved by the committee. The committee also recommended that a bill on strategies to promote the timber industry be drafted, but the draft bill was not approved by the committee.

Homeowner and Utility Mitigation Efforts

The committee learned from fire professionals, homebuilders, and other experts about the issue of creating defensible spaces for homes in the Wildland-Urban Interface (WUI). The Colorado Division of Insurance and the Rocky Mountain Insurance Association presented to the committee on insuring homes in the WUI, incentivizing creating defensible spaces, and challenges that face the industry in terms of insuring homes at risk of wildfire damage. The committee learned about costs associated with building new homes and adapting existing homes with fireproof materials from homebuilder representatives. During field trips, the committee was shown properties that were successfully defended from wildfire, and learned about strategies to encourage homeowners to invest in defensible spaces.

A group of electric utilities discussed the importance of forest mitigation near utility stations, and expressed concern with their ability to assert utility right-of-way to conduct mitigation with the committee. Water utility representatives also presented on their efforts to conduct mitigation to prevent wildfire and debris from contaminating the water supply.

Committee recommendations. As a result of its discussions, the committee recommends Bill B, which concerns outreach to the public relating to wildfire risk mitigation practices. The bill requires that the CSFS convene a working group to consider how best to conduct an enhanced wildfire awareness month outreach campaign in 2023 and 2024. The committee also recommended Bill D, which creates the Wildfire Mitigation Resources and Best Practices Grant Program in the CSFS. Grant recipients must be an agency of a local government, a county, a municipality, a special district, a tribal agency

or program, or a nonprofit organization, and the grant may be used to conduct outreach among landowners about available resources and best practices for wildfire risk mitigation. The bill also amends tax code benefits to landowners conducting wildfire mitigation.

Wildfire Response

County government representatives and the DFCP discussed the costs associated with responding to wildfires in 2020, during which Colorado experienced the largest and most severe wildfires in state history. The DFCP discussed technological capabilities to detect and respond to wildfires, including the use of unmanned aircraft and GPS tracking of firefighters. The DFCP also reviewed its methods of collaborating with local and federal agencies to respond to wildfires across the state. While on field trips, the committee learned about evacuation strategies that local fire districts and sheriff's departments employed during recent wildfires, and the reluctance of some homeowners to evacuate. Local government representatives also discussed the difficulty in responding to large fires across several jurisdictions.

Committee recommendations. As a result of its discussions, the committee recommended that a bill concerning a wildfire camera pilot program be drafted, but the draft bill was not approved by the committee. The committee also recommended that a bill concerning local government wildfire evacuation and mitigation plans be drafted, but the draft bill was not approved by the committee.

Wildfire Workforce Issues

The CSFS and Timber Industry Association discussed the lack of experienced workers to do mitigation work and to work in the timber industry. Fire chiefs from Estes Valley and Grand Fire Protection Districts presented on the difficulties hiring and retaining paid and volunteer firefighters, including the aging population, high cost of living, and competition with metro-area fire departments. During a field trip to Larimer County, a local fire chief described how a decrease in local tax revenue hurts the fire protection budget, and noted that many small fire departments are in need of updated equipment. The committee learned about firefighter mental health challenges and peer support programs in Colorado and other states from the DFPC and Healthy Air and Water Colorado. Colorado Correctional Industries and the Department of Corrections discussed a program to train inmates as wildland firefighters, and a participant in the program described his experience fighting fires to the committee.

Committee recommendations. As a result of its discussions, the committee recommends Bill C, which concerns expanding local fire departments' access to state grants funds, including for mental and behavioral health services. The committee also requested that a bill be drafted regarding training the firefighter workforce; however, that bill was withdrawn during the drafting process.

Environmental Impact of Wildfire

The committee heard from a variety of state and local government agencies as well as water utilities, academia, and nonprofits regarding the environmental and health impacts of wildfires. The CDPHE presented on the health impacts of exposure to wildfire smoke and programs to monitor, forecast, and communicate air quality and advisories to the public. The department also discussed outdoor burning and permitting requirements under open burning and smoke management programs. In addition, the department provided information on the impacts of wildfires on water quality and post-wildfire water quality response efforts. A number of water utilities shared lessons learned on post-fire recovery and the importance of investing in watershed management. The committee's field trips to Boulder and Larimer counties to observe efforts to mitigate negative post-wildfire water quality impacts added context to these discussions.

The committee also heard from CSU and the Department of Natural Resources on how climate change contributes to the cause and severity of wildfires, and received an overview of the forest carbon cycle and how forest carbon is accounted for in Colorado's greenhouse gas emissions inventory.

Summary of Recommendations

As a result of the committee's activities, the committee recommended five bills to the Legislative Council for consideration in the 2022 session. At its meeting on November 15, 2021, the Legislative Council approved five recommended bills for introduction. The approved bills are described below.

Bill A — Wildfire Mitigation and Recovery

The bill creates the Wildfire Mitigation and Recovery Grant Program within the Colorado State Forest Service (CSFS). Grants are available to counties with forested areas to help them prevent and recover from wildfires by removing wildfire fuel and debris in a manner that reduces the amount of carbon that enters the atmosphere and by conducting reforestation efforts. The CSFS must submit an annual report to the General Assembly on the grant program beginning January 1, 2023. The grant program is repealed September 1, 2028, following a sunset review.

Bill B — Increase Wildfire Risk Mitigation Outreach Efforts

The bill directs the CSFS to convene a working group to develop and implement an enhanced wildfire awareness month outreach campaign in 2023 and 2024, in partnership with the DFPC and the U.S. Forest Service. The State Forester is required to report to the Wildfire Matters Review Committee during the 2023 and 2024 legislative interims on money expended and efforts to increase outreach and awareness of wildfire risk mitigation.

Bill C — Resources for Volunteer Firefighters

The bill expands eligibility for certain state emergency wildfire response cash funds to fire departments. Specifically, fire departments that rely primarily on volunteer firefighters to provide fire protection services can receive reimbursement for fire suppression activities from the cash funds if certain conditions are met. The bill also allows the Local Firefighter Safety and Disease Prevention Fund (fund) to be used for behavioral and mental health services for wildland firefighters. The funds are distributed through a needs-based grant program, and the bill requires priority to be given to fire departments that rely primarily on volunteer firefighters and that demonstrate a loss in property tax revenue due to wildfires. Finally, the bill requires a \$5.0 million annual appropriation to the fund.

Bill D — Assistance Landowner Wildfire Mitigation

The bill creates the Wildfire Mitigation Resources and Best Practices Grant Program in the CSFS to be used to conduct outreach among landowners regarding wildfire mitigation best practices. The grant will be available to local governments, tribal agencies, and nonprofit organizations beginning

January 1, 2024. The CSFS must submit an annual report to the Wildfire Matters Review Committee on the grant program beginning on or before September 1, 2025. The grant program is repealed January 1, 2029.

The bill also replaces the current state income tax deduction for wildfire mitigation expenses with a state income tax credit, beginning in tax year 2023 through tax year 2025. The credit is available to landowners who meet income requirements, and is equal to 25 percent of the taxpayer cost for wildfire mitigation expenses, up to \$625 per year.

Bill E — Wildfire Incentives for Local Governments

The bill creates the Wildfire Mitigation Incentives for Local Government Grant Program in the CSFS to provide matching funds to local governments that raise dedicated revenue for forest management and wildfire mitigation activities such as forest thinning, wildfire fuel reduction, and outreach to property owners and the public. Beginning November 1, 2024, the CSFS must publish an annual report on the grant program.

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://leg.colorado.gov/content/committees>

Meeting Date and Topics Discussed

July 29, 2021

- Overview of Committee Charge and Bill Request Process
- Wildfire State Agencies Overview and 2020 Wildfire Season
- County Perspectives on 2020 Wildfire Season
- Committee Discussion on Next Steps
- Public Testimony

August 12, 2021

- Federal Perspectives on Wildfire Management
- Insurance Issues and Wildfires
- Wildfire Detection and Response Technology
- Utilities and Wildfire
- Firefighting Workforce Challenges and the SWIFT Program
- Public Testimony

September 2, 2021

- Timber Industry and other Mitigation Strategies
- Development and Home Hardening in WUI Areas
- Safe Evacuation from Wildfire
- Environmental and Health Impacts of Wildfire
- Water Impacts and Recovery Efforts
- Public Testimony

September 14, 2021

- State Wildfire Management Funding
- Climate Change and Wildfire
- Policy Recommendations for Prescribed Burns
- Bill Draft Requests
- Public Testimony

October 28, 2021

- Committee Legislation Discussion
- Public Testimony
- Approval of Committee Legislation

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

BILL A

LLS NO. 22-0176.01 Richard Sweetman x4333

HOUSE BILL

HOUSE SPONSORSHIP

Cutter and Valdez D., Lynch, Snyder

SENATE SPONSORSHIP

Ginal and Lee, Story

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HEALTHY FORESTS, AND, IN CONNECTION THEREWITH,**
102 **CREATING THE WILDFIRE MITIGATION AND RECOVERY GRANT**
103 **PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Wildfire Matters Review Committee. Section 1 of the bill creates the wildfire mitigation and recovery grant program (grant program) in the Colorado state forest service (forest service) to provide grants to help counties with forested areas prevent and recover from wildfire incidents and ensure that such efforts are undertaken in a manner

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

that reduces the amount of carbon that enters the atmosphere. In expending grant money, a county, to the extent practicable, shall ensure that biomass that is removed from forests is recycled or disposed of in a manner that reduces the amount of carbon that enters the atmosphere.

The forest service shall administer the grant program and, subject to available appropriations, award grants out of money annually appropriated to the forest service for the grant program. The forest service shall review grant applications in consultation with the division of fire prevention and control in the department of public safety and with the Colorado forest health council in the department of natural resources.

The grant program is repealed, effective September 1, 2028. Before the repeal, the grant program is scheduled for a sunset review by the department of regulatory agencies. **Section 2** schedules this review.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 23-31-318 as
3 follows:

4 **23-31-318. Wildfire mitigation and recovery grant program**
5 **- grant program created - applications - awards - reports - funding**
6 **- repeal.** (1) (a) THERE IS HEREBY CREATED IN THE COLORADO STATE
7 FOREST SERVICE THE WILDFIRE MITIGATION AND RECOVERY GRANT
8 PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM", TO
9 PROVIDE GRANTS IN ORDER TO:

10 (I) HELP COUNTIES WITH FORESTED AREAS PREVENT AND RECOVER
11 FROM WILDFIRE INCIDENTS BY REMOVING DEADWOOD AND OTHER
12 POTENTIAL WILDFIRE FUEL AS WELL AS DEBRIS THAT HAS RESULTED FROM
13 A WILDFIRE INCIDENT; AND

14 (II) ENSURE THAT SUCH EFFORTS ARE UNDERTAKEN IN A MANNER
15 THAT REDUCES THE AMOUNT OF CARBON THAT ENTERS THE ATMOSPHERE.

16 (b) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
17 THE GRANT PROGRAM FOR THE FOLLOWING PURPOSES:

18 (I) TO PURCHASE OR LEASE EQUIPMENT, INCLUDING MOBILE WOOD

1 CHIPPERS, TO ASSIST WITH THE REMOVAL OF DEADWOOD AND OTHER
2 POTENTIAL WILDFIRE FUEL AS WELL AS DEBRIS THAT HAS RESULTED FROM
3 A WILDFIRE INCIDENT;

4 (II) TO HIRE AND COMPENSATE LABORERS TO ASSIST WITH THE
5 REMOVAL OF DEADWOOD AND OTHER POTENTIAL WILDFIRE FUEL AS WELL
6 AS DEBRIS THAT HAS RESULTED FROM A WILDFIRE INCIDENT; AND

7 (III) TO INITIATE AND MAINTAIN REFORESTATION EFFORTS,
8 INCLUDING THE PLANTING OF TREE SEEDLINGS, AFTER A WILDFIRE
9 INCIDENT.

10 (c) IN EXPENDING GRANT MONEY AS DESCRIBED IN SUBSECTION
11 (1)(b) OF THIS SECTION, A COUNTY, TO THE EXTENT PRACTICABLE, SHALL
12 ENSURE THAT BIOMASS THAT IS REMOVED FROM FORESTS IS RECYCLED OR
13 DISPOSED OF IN A MANNER THAT REDUCES THE AMOUNT OF CARBON THAT
14 ENTERS THE ATMOSPHERE, INCLUDING THE SALE OR DONATION OF:

15 (I) SALVAGEABLE TIMBER;

16 (II) UNSALVAGEABLE TIMBER THAT IS REDUCED TO CHIP OR
17 PELLET FORM; AND

18 (III) UNSALVAGEABLE BIOMASS THAT HAS BEEN RENDERED AS
19 SUITABLE FOR COMPOSTING.

20 (d) THE COLORADO STATE FOREST SERVICE SHALL ADMINISTER
21 THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS,
22 SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. GRANTS SHALL BE
23 PAID OUT OF MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM,
24 AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

25 (2) (a) TO RECEIVE A GRANT, A BOARD OF COUNTY
26 COMMISSIONERS MUST SUBMIT AN APPLICATION ON BEHALF OF ITS COUNTY
27 TO THE COLORADO STATE FOREST SERVICE. AT A MINIMUM, THE

1 APPLICATION MUST INCLUDE THE FOLLOWING INFORMATION:

2 (I) THE NAME OF THE COUNTY AND THE PORTION OF THE COUNTY
3 IN WHICH THE COUNTY PLANS TO IMPLEMENT WILDFIRE MITIGATION OR
4 RECOVERY EFFORTS; AND

5 (II) THE AMOUNT OF GRANT MONEY THAT THE COUNTY SEEKS,
6 INCLUDING AN ITEMIZATION OF HOW THE COUNTY PLANS TO SPEND SUCH
7 MONEY.

8 (b) THE COLORADO STATE FOREST SERVICE SHALL REVIEW GRANT
9 APPLICATIONS IN CONSULTATION WITH THE DIVISION OF FIRE PREVENTION
10 AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY AND THE
11 COLORADO FOREST HEALTH COUNCIL CREATED IN SECTION 23-31-316. IN
12 AWARDING GRANTS, THE COLORADO STATE FOREST SERVICE SHALL
13 CONSIDER THE INPUT OF THE DIRECTOR OF THE DIVISION OF FIRE
14 PREVENTION AND CONTROL AND THE INPUT OF THE COLORADO FOREST
15 HEALTH COUNCIL.

16 (c) THE COLORADO STATE FOREST SERVICE SHALL DISTRIBUTE THE
17 GRANT MONEY WITHIN THIRTY DAYS AFTER THE COLORADO STATE FOREST
18 SERVICE AWARDS A GRANT.

19 (3) (a) ON OR BEFORE NOVEMBER 1, 2022, AND ON OR BEFORE
20 NOVEMBER 1 EACH YEAR THEREAFTER, EACH COUNTY THAT RECEIVES A
21 GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE
22 COLORADO STATE FOREST SERVICE. AT A MINIMUM, THE REPORT MUST
23 INCLUDE AN ITEMIZATION OF HOW THE GRANT MONEY WAS EXPENDED.

24 (b) ON OR BEFORE JANUARY 1, 2023, AND ON OR BEFORE JANUARY
25 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM,
26 THE COLORADO STATE FOREST SERVICE SHALL SUBMIT A SUMMARIZED
27 REPORT CONCERNING THE GRANT PROGRAM TO THE AGRICULTURE AND

1 NATURAL RESOURCES COMMITTEE OF THE SENATE AND THE ENERGY AND
2 ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
3 SUCCESSOR COMMITTEES, AND TO THE GOVERNOR. AT A MINIMUM, THE
4 REPORT MUST INCLUDE IDENTIFICATION OF EACH COUNTY THAT WAS
5 AWARDED A GRANT DURING THE PREVIOUS TWELVE MONTHS, THE AMOUNT
6 OF EACH GRANT, AND HOW THE GRANT MONEY WAS USED BY THE COUNTY.

7 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
8 REPORTING REQUIREMENTS SET FORTH IN THIS SUBSECTION (3) CONTINUE
9 UNTIL THE GRANT PROGRAM REPEALS PURSUANT TO SUBSECTION (5) OF
10 THIS SECTION.

11 (4) (a) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
12 MONEY FROM THE GENERAL FUND TO THE COLORADO STATE UNIVERSITY
13 SYSTEM, FOR ALLOCATION TO THE COLORADO STATE FOREST SERVICE TO
14 IMPLEMENT THE GRANT PROGRAM. THE COLORADO STATE FOREST SERVICE
15 MAY USE UP TO THREE PERCENT OF THE MONEY ANNUALLY APPROPRIATED
16 FOR THE GRANT PROGRAM TO PAY THE DIRECT AND INDIRECT COSTS THAT
17 THE COLORADO STATE FOREST SERVICE INCURS IN ADMINISTERING THE
18 GRANT PROGRAM.

19 (b) ANY MONEY THAT IS APPROPRIATED TO THE COLORADO STATE
20 FOREST SERVICE PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION AND
21 NOT EXPENDED BY THE COLORADO STATE FOREST SERVICE IN THE STATE
22 FISCAL YEAR FOR WHICH IT IS APPROPRIATED REMAINS WITH THE
23 COLORADO STATE FOREST SERVICE TO IMPLEMENT THE GRANT PROGRAM
24 IN THE FOLLOWING STATE FISCAL YEAR AND DOES NOT REVERT TO THE
25 GENERAL FUND.

26 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2028.
27 BEFORE THE REPEAL, THE GRANT PROGRAM IS SCHEDULED FOR REVIEW IN

1 ACCORDANCE WITH SECTION 24-34-104.

2 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**
3 (29)(a)(XVII) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (29) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2028:

8 (XVII) THE WILDFIRE MITIGATION AND RECOVERY GRANT
9 PROGRAM CREATED IN SECTION 23-31-318.

10 **SECTION 3. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2022 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

BILL B

LLS NO. 22-0177.01 Brita Darling x2241

SENATE BILL

SENATE SPONSORSHIP

Lee and Story, Ginal

HOUSE SPONSORSHIP

Cutter and Snyder,

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING OUTREACH TO THE PUBLIC RELATING TO WILDFIRE RISK**
102 **MITIGATION PRACTICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Wildfire Matters Review Committee. The bill requires the Colorado state forest service (forest service) to convene a working group (working group) that includes the division of fire prevention and control in the department of public safety (DFPC) and the United States forest service (USFS), and that may include other local, state, or federal partners and entities engaged in wildfire risk mitigation in the wildland-urban

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interface (WUI).

The working group shall consider how best to conduct enhanced wildfire awareness month outreach campaigns in 2023 and 2024, as well as other outreach efforts that inform and motivate residents in the WUI to engage in more wildfire risk mitigation. The working group's considerations also include how best to distribute educational resources and information and which methods of outreach are most effective in reaching the targeted audience.

After considering feedback from the working group, and subject to available appropriations, the forest service shall implement an enhanced wildfire awareness month outreach campaign in conjunction with the DFPC and the USFS in 2023 and 2024, as well as other outreach efforts in the 2022-23 and 2023-24 state fiscal years.

In implementing an enhanced wildfire awareness month outreach campaign and other outreach efforts, the forest service may, subject to available appropriations:

- Develop or contract for the development or placement of marketing and educational materials, including videos, direct mail, social media, print media, television and radio spots, and billboards;
- Conduct or contract for educational events targeted to residents in the WUI;
- Retain consultants, as necessary, to implement all or part of an outreach campaign, as well as other outreach efforts;
- Make enhancements to the forest service's web-based clearinghouse for technical assistance and funding resources and coordinate with working group partners and other entities to provide links to web-based educational resources and information; and
- Secure necessary staff to implement the outreach efforts.

The bill requires the state forester to report to the wildfire matters review committee during the 2023 and 2024 legislative interims concerning the outreach efforts implemented pursuant to the bill, including the amount and use of money appropriated for outreach efforts and the impact of those efforts in increasing awareness of wildfire risk mitigation in the WUI.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 23-31-313, **add**
3 (3)(h) and (9.5) as follows:

4 **23-31-313. Healthy forests - vibrant communities - funds**

1 **created - outreach working group - definitions - legislative**
2 **declaration - repeal. (3) Definitions.** As used in this section, unless the
3 context otherwise requires:

4 (h) "WILDLAND-URBAN INTERFACE" MEANS AN AREA WHERE
5 STRUCTURES OR OTHER HUMAN DEVELOPMENT MEET OR INTERMINGLE
6 WITH WILDLAND VEGETATION.

7 **(9.5) Wildfire risk mitigation public outreach and educational**
8 **campaign - legislative declaration. (a) (I)** THE GENERAL ASSEMBLY
9 HEREBY FINDS AND DECLARES THAT:

10 (A) WILDFIRES INCREASINGLY POSE A THREAT TO HOMES AND
11 COMMUNITIES IN COLORADO AS MORE PEOPLE MOVE INTO THE WILDLAND
12 AREAS OF OUR STATE, AND LONG-TERM WEATHER AND CLIMATE TRENDS,
13 INCLUDING DROUGHT AND WARMER TEMPERATURES, AS WELL AS THE
14 BUILDUP OF WILDLAND FUELS, FURTHER INCREASE WILDFIRE RISK;

15 (B) IN 2020, COLORADO EXPERIENCED THE THREE LARGEST
16 WILDFIRES IN ITS HISTORY, WITH THE FIRES BURNING OVER SIX HUNDRED
17 THOUSAND ACRES, CAUSING SIGNIFICANT DISPLACEMENT, DEVASTATING
18 COMMUNITIES, DEGRADING WATER AND AIR QUALITY, AND ULTIMATELY
19 RESULTING IN THE LOSS OF HUMAN LIFE AND HUNDREDS OF MILLIONS OF
20 DOLLARS IN PROPERTY LOSS AND DAMAGE;

21 (C) LOCAL, STATE, AND FEDERAL AGENCIES AND ENTITIES
22 CONTINUE TO ADDRESS THE SHORT- AND LONG-TERM SOCIAL, ECONOMIC,
23 AND ENVIRONMENTAL IMPACTS OF THESE FIRES;

24 (D) WITH MORE THAN HALF OF ALL COLORADANS LIVING IN THE
25 WILDLAND-URBAN INTERFACE, THERE IS AN URGENT NEED FOR WILDFIRE
26 PREVENTION AND PREPAREDNESS AT BOTH THE COMMUNITY AND
27 INDIVIDUAL HOMEOWNER AND PROPERTY OWNER LEVELS;

1 (E) COORDINATED EDUCATION CONCERNING HOW, WHERE, AND
2 WHY WILDFIRES BURN, AS WELL AS COLLABORATIVE EFFORTS TO INCREASE
3 SURVIVABILITY OF HOMES AND PROPERTY, IS PARAMOUNT TO CO-EXISTING
4 IN A WILDFIRE ENVIRONMENT; AND

5 (F) WHILE HOMEOWNERS AND PROPERTY OWNERS IN COLORADO
6 BEAR THE ULTIMATE RESPONSIBILITY TO PREPARE THEIR HOMES AND
7 PROPERTY FOR WILDFIRE, MANY STILL DO NOT UNDERSTAND THIS
8 RESPONSIBILITY, THE RISK THEY FACE LIVING IN THE WILDLAND-URBAN
9 INTERFACE, OR THE NECESSARY STEPS TO REDUCE THEIR WILDFIRE RISK.

10 (II) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
11 VITAL TO THE HEALTH AND SAFETY OF COLORADO'S CITIZENS,
12 COMMUNITIES, AND FORESTS FOR LOCAL, STATE, AND FEDERAL AGENCIES
13 IN COLORADO, IN PARTNERSHIP WITH ORGANIZATIONS ENGAGED IN
14 WILDFIRE RISK MITIGATION IN THE STATE, TO ENHANCE OUTREACH
15 EFFORTS TO RESIDENTS IN THE WILDLAND-URBAN INTERFACE TO EDUCATE
16 AND MOTIVATE THOSE RESIDENTS TO ENGAGE IN EFFECTIVE WILDFIRE RISK
17 MITIGATION AND WILDFIRE PREPAREDNESS ACTIVITIES.

18 (b) (I) THE FOREST SERVICE SHALL CONVENE A WORKING GROUP
19 OF LOCAL, STATE, AND FEDERAL PARTNERS ENGAGED IN WILDFIRE RISK
20 MITIGATION, REFERRED TO IN THIS SUBSECTION (9.5) AS THE "WORKING
21 GROUP", TO ENHANCE OUTREACH EFFORTS TO RESIDENTS IN THE
22 WILDLAND-URBAN INTERFACE CONCERNING EFFECTIVE WILDFIRE RISK
23 MITIGATION AND TO COORDINATE THE FINANCIAL AND OTHER RESOURCES
24 THAT MAY BE AVAILABLE FOR SUCH WORK. STATE AND FEDERAL
25 PARTNERS INCLUDE THE DIVISION OF FIRE PREVENTION AND CONTROL IN
26 THE DEPARTMENT OF PUBLIC SAFETY AND THE UNITED STATES FOREST
27 SERVICE. THE FOREST SERVICE MAY INVITE OTHER PARTNERS TO JOIN THE

1 WORKING GROUP AND SEEK INPUT FROM ENTITIES ENGAGED IN WILDFIRE
2 RISK MITIGATION IN THE WILDLAND-URBAN INTERFACE.

3 (II) THE WORKING GROUP SHALL:

4 (A) PRIOR TO THE ANNUAL WILDFIRE AWARENESS MONTH
5 OUTREACH CAMPAIGNS IN 2023 AND 2024, CONSIDER HOW BEST TO
6 CONDUCT AN ENHANCED OUTREACH CAMPAIGN FOR THE PUBLIC THAT
7 EDUCATES AND MOTIVATES RESIDENTS IN THE WILDLAND-URBAN
8 INTERFACE TO ENGAGE IN MORE WILDFIRE RISK MITIGATION;

9 (B) CONSIDER HOW BEST TO DISTRIBUTE EDUCATIONAL
10 RESOURCES AND INFORMATION TO RESIDENTS IN THE WILDLAND-URBAN
11 INTERFACE, INCLUDING THE FOREST SERVICE'S PUBLICATION, "THE HOME
12 IGNITION ZONE" OR A SUCCESSOR PUBLICATION, AND WHETHER OTHER
13 EDUCATIONAL AND MARKETING TOOLS COULD BE DEVELOPED TO EDUCATE
14 RESIDENTS AND MOTIVATE INCREASED WILDFIRE RISK MITIGATION;

15 (C) CONSIDER WHICH LOCAL, STATEWIDE, OR REGIONAL
16 OUTREACH EFFORTS, INCLUDING DIRECT MAIL, WEB-BASED MATERIAL,
17 TELEPHONE OUTREACH, SOCIAL MEDIA, PRINT MEDIA, TELEVISION AND
18 RADIO SPOTS, BILLBOARDS, AND COMMUNITY EVENTS, ARE MOST
19 EFFECTIVE IN INCREASING AWARENESS AMONG THE TARGETED RESIDENTS
20 IN THE WILDLAND-URBAN INTERFACE OF THE IMPORTANCE OF WILDFIRE
21 RISK MITIGATION AND HOW TO PREPARE FOR WILDFIRES;

22 (D) CONSIDER HOW BEST TO COORDINATE EFFORTS BY WORKING
23 GROUP PARTNERS AND OTHER ENTITIES ENGAGED IN WILDFIRE RISK
24 MITIGATION TO DISSEMINATE WEB-BASED EDUCATIONAL RESOURCES AND
25 INFORMATION CONCERNING EFFECTIVE WILDFIRE RISK MITIGATION AND
26 WILDFIRE PREPAREDNESS ACTIVITIES THROUGH LINKS TO THE FOREST
27 SERVICE'S WEB-BASED CLEARINGHOUSE FOR TECHNICAL ASSISTANCE AND

1 TO WEB-BASED RESOURCES OF OTHER WORKING GROUP PARTNERS AND
2 ENTITIES ENGAGED IN WILDFIRE RISK MITIGATION;

3 (E) CONSIDER HOW BEST TO LEVERAGE EXISTING STATE, LOCAL,
4 AND FEDERAL RESOURCES AND EXPERTISE TO IMPLEMENT THE ENHANCED
5 OUTREACH EFFORTS CONSIDERED BY THE WORKING GROUP; AND

6 (F) CONSIDER WHAT FUNDING OR ADDITIONAL RESOURCES WOULD
7 BE NECESSARY FOR THE FOREST SERVICE AND OTHER PARTNERS TO BUILD
8 UPON THE ENHANCED WILDFIRE AWARENESS MONTH OUTREACH
9 CAMPAIGN, AS WELL AS OTHER POTENTIAL OUTREACH EFFORTS, IN
10 SUBSEQUENT YEARS.

11 (c) AFTER CONSIDERING FEEDBACK FROM THE WORKING GROUP,
12 AND SUBJECT TO AVAILABLE APPROPRIATIONS, THE FOREST SERVICE:

13 (I) SHALL IMPLEMENT AN ENHANCED WILDFIRE AWARENESS
14 MONTH OUTREACH CAMPAIGN IN CONJUNCTION WITH THE DIVISION OF FIRE
15 PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY AND
16 THE UNITED STATES FOREST SERVICE IN 2023 AND 2024, AND, SUBJECT TO
17 AVAILABLE APPROPRIATIONS, MAY IMPLEMENT ENHANCED WILDFIRE
18 AWARENESS MONTH OUTREACH CAMPAIGNS IN SUBSEQUENT YEARS; AND

19 (II) MAY IMPLEMENT OTHER OUTREACH EFFORTS DURING THE
20 2022-23 AND 2023-24 STATE FISCAL YEARS AND SUBSEQUENT STATE
21 FISCAL YEARS THAT ARE EXPECTED TO INCREASE AWARENESS OF WILDFIRE
22 RISK MITIGATION BY RESIDENTS IN THE WILDLAND-URBAN INTERFACE.

23 (d) TO IMPLEMENT THIS SUBSECTION (9.5), THE FOREST SERVICE,
24 SUBJECT TO AVAILABLE APPROPRIATIONS, MAY:

25 (I) DEVELOP OR CONTRACT FOR THE DEVELOPMENT OR PLACEMENT
26 OF MARKETING AND EDUCATIONAL MATERIALS, INCLUDING VIDEOS,
27 DIRECT MAIL, SOCIAL MEDIA, PRINT MEDIA, TELEVISION AND RADIO SPOTS,

1 AND BILLBOARDS;

2 (II) CONDUCT OR CONTRACT FOR EDUCATIONAL EVENTS TARGETED

3 TO RESIDENTS IN THE WILDLAND-URBAN INTERFACE;

4 (III) RETAIN CONSULTANTS, AS NECESSARY, TO IMPLEMENT ALL OR

5 PART OF AN OUTREACH CAMPAIGN, AS WELL AS OTHER OUTREACH

6 EFFORTS;

7 (IV) MAKE ENHANCEMENTS TO THE FOREST SERVICE'S WEB-BASED

8 CLEARINGHOUSE FOR TECHNICAL ASSISTANCE AND FUNDING RESOURCES

9 CREATED PURSUANT TO SUBSECTION (9) OF THIS SECTION, AS NECESSARY,

10 TO BETTER IMPLEMENT OUTREACH EFFORTS DESCRIBED IN THIS

11 SUBSECTION (9.5), AND COORDINATE WITH WORKING GROUP PARTNERS

12 AND OTHER ENTITIES ENGAGED IN WILDFIRE RISK MITIGATION TO PROVIDE

13 LINKS TO WEB-BASED EDUCATIONAL RESOURCES AND INFORMATION; AND

14 (V) SECURE NECESSARY STAFF TO IMPLEMENT THE OUTREACH

15 EFFORTS DESCRIBED IN THIS SUBSECTION (9.5).

16 (e) (I) DURING THE 2023 AND 2024 LEGISLATIVE INTERIMS, THE

17 STATE FORESTER SHALL SUBMIT A REPORT TO THE WILDFIRE MATTERS

18 REVIEW COMMITTEE CREATED IN SECTION 2-3-1602 CONCERNING

19 OUTREACH EFFORTS IMPLEMENTED PURSUANT TO THIS SUBSECTION (9.5).

20 (II) THE REPORT MUST INCLUDE:

21 (A) A DESCRIPTION OF THE OUTREACH EFFORTS;

22 (B) THE AMOUNT AND USE OF MONEY APPROPRIATED TO

23 IMPLEMENT THIS SUBSECTION (9.5);

24 (C) DATA AND INFORMATION RECEIVED BY THE FOREST SERVICE

25 OR ITS PARTNERS RELATING TO THE IMPACT OF THE OUTREACH EFFORTS IN

26 INCREASING AWARENESS OF WILDFIRE RISK MITIGATION BY RESIDENTS IN

27 THE WILDLAND-URBAN INTERFACE; AND

1 (D) PROPOSED FUTURE OUTREACH EFFORTS, INCLUDING ANY
2 ADDITIONAL FUNDING OR OTHER RESOURCES NEEDED TO IMPLEMENT
3 THOSE OUTREACH EFFORTS.

4 **SECTION 2. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

BILL C

LLS NO. 22-0189.03 Megan Waples x4348

SENATE BILL

SENATE SPONSORSHIP

Ginal and Story, Lee

HOUSE SPONSORSHIP

Cutter and Will, Lynch, Snyder, Valdez D.

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING THE RESOURCES AVAILABLE FOR FIRE**
102 **PROTECTION SERVICES PROVIDED BY VOLUNTEER AND**
103 **SEASONAL FIREFIGHTERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Wildfire Matters Review Committee. The bill allows fire departments, including fire protection districts and volunteer fire departments, to be compensated from state funding sources for wildland fire suppression activities conducted in the fire department's jurisdiction if the fire department relies primarily or solely on volunteer firefighters,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

the fire exceeds the department's capacity to extinguish or control, and the period of mutual aid has ended. The fire department must use money received to compensate volunteer firefighters in accordance with guidelines adopted by the division of fire prevention and control (division) in the annual wildfire preparedness plan. Boards of county commissioners are authorized to reimburse fire departments from county funds for wildland fire suppression activities conducted within the fire department's jurisdiction in the same circumstances.

The bill amends the existing local firefighter safety and disease prevention fund grant program (program) to allow grants to be spent to provide access to mental health services for seasonal and volunteer firefighters involved in wildland fire suppression in addition to purchasing equipment and providing training. The bill requires the program to give priority in awarding grants to governing bodies and volunteer fire departments that:

- Have lost tax revenues as a result of decreased assessment values due to a wildland fire within their jurisdiction in the previous 5 years;
- Rely solely or primarily on volunteer firefighters and serve communities affected by wildland fires; or
- Demonstrate the greatest need for additional funding to ensure the safety of volunteer and seasonal firefighters.

The general assembly is required to annually appropriate \$5 million to the program and may appropriate additional money as necessary to meet the needs of governing bodies and volunteer fire departments. On or before September 1, 2032, the staff of the joint budget committee is required to report on whether the amount of the annual appropriation should be adjusted based on current needs.

In addition, the division may use money in the firefighter safety and disease prevention fund to reimburse mental and behavioral health-care specialists for services provided to firefighters who have served as volunteer or seasonal wildland firefighters, in accordance with rules adopted by the division.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1220, **add**
3 **(6) as follows:**

4 **24-33.5-1220. Funds available - emergency fire fund - wildland**
5 **fire equipment repair fund - wildland fire cost recovery fund -**
6 **creation - gifts, grants, and donations authorized - rules.**

1 (6) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FIRE
2 DEPARTMENT IS ELIGIBLE FOR REIMBURSEMENT FOR WILDLAND FIRE
3 SUPPRESSION ACTIVITIES WITHIN THE JURISDICTION OR DESIGNATED
4 BOUNDARIES OF THE FIRE DEPARTMENT FROM THE GOVERNOR'S
5 EMERGENCY FUND, THE EMERGENCY FIRE FUND, AND THE WILDLAND COST
6 RECOVERY FUND IF:

7 (I) THE FIRE DEPARTMENT RELIES SOLELY OR PRIMARILY ON
8 VOLUNTEER FIREFIGHTERS TO PROVIDE FIRE PROTECTION SERVICES, AS
9 DETERMINED UNDER GUIDELINES ADOPTED BY THE DIVISION IN THE
10 ANNUAL WILDFIRE PREPAREDNESS PLAN REQUIRED BY SECTION
11 24-33.5-1227 (2)(a);

12 (II) THE WILDLAND FIRE EXCEEDS THE CAPABILITIES OF THE FIRE
13 DEPARTMENT TO CONTROL OR EXTINGUISH; AND

14 (III) THE MUTUAL AID PERIOD FOR THAT FIRE HAS ENDED.

15 (b) THE FIRE DEPARTMENT MUST USE MONEY RECEIVED PURSUANT
16 TO THIS SUBSECTION (6) TO COMPENSATE VOLUNTEER FIREFIGHTERS
17 PURSUANT TO GUIDELINES ADOPTED BY THE DIVISION IN THE ANNUAL
18 WILDFIRE PREPAREDNESS PLAN REQUIRED BY SECTION 24-33.5-1227
19 (2)(a).

20 (c) THE DIVISION AND EACH COUNTY SHERIFF'S OFFICE SHALL
21 MODIFY ANY INTERGOVERNMENTAL AGREEMENTS GOVERNING
22 REIMBURSEMENT FOR WILDLAND FIRE SUPPRESSION ACTIVITIES AS
23 NECESSARY TO ALLOW REIMBURSEMENT IN ACCORDANCE WITH THIS
24 SUBSECTION (6).

25 (d) THE DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO
26 IMPLEMENT THIS SUBSECTION (6).

27 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1226,

1 **amend** (2.5) as follows:

2 **24-33.5-1226. Wildfire emergency response fund - creation -**
3 **gifts, grants, and donations authorized - rules.** (2.5) In addition to any
4 other purpose for the use of money in the wildfire emergency
5 ~~preparedness~~ RESPONSE fund specified in this section, the division may
6 use money in the fund to provide wildfire suppression assistance to
7 county sheriffs, municipal fire departments, or fire protection districts
8 throughout the state at no cost to such entities pursuant to annual
9 guidelines published by the division in the wildfire preparedness plan
10 required by section 24-33.5-1227 (2)(a).

11 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1231,
12 **amend** (1), (2), (3) introductory portion, (3)(a), (3)(b), and (4); and **add**
13 (3.5) as follows:

14 **24-33.5-1231. Local firefighter safety and disease prevention**
15 **fund - creation - grants - rules.** (1) There is hereby created in the state
16 treasury the local firefighter safety and disease prevention fund. The fund
17 consists of all ~~moneys~~ MONEY that may be appropriated OR TRANSFERRED
18 to the fund by the general assembly and all private and public ~~moneys~~
19 MONEY received through gifts, grants, or donations that ~~are~~ IS transmitted
20 to the state treasurer and credited to the fund. The state treasurer shall
21 credit all interest earned from the investment of ~~moneys~~ MONEY in the
22 fund to the fund. The ~~moneys~~ MONEY in the fund ~~are~~ IS hereby
23 continuously appropriated to the division for the purposes indicated in
24 this section. Any ~~moneys~~ MONEY not expended at the end of each fiscal
25 year ~~remain~~ REMAINS in the fund and shall not be transferred to or revert
26 to the general fund.

27 (2) (a) The division shall use the ~~moneys~~ MONEY in the fund to:

1 (I) Award need-based grants to governing bodies and volunteer
2 fire departments to provide funding or reimbursement for:

3 (A) PURCHASING equipment ~~and~~ OR REPLACING DAMAGED OR
4 OBSOLETE EQUIPMENT, INCLUDING THE COSTS OF DISPOSAL OF DAMAGED
5 AND OBSOLETE EQUIPMENT;

6 (B) PROVIDING training designed to increase firefighter safety and
7 prevent occupation-related diseases; AND

8 (C) PROVIDING ACCESS TO BEHAVIORAL AND MENTAL
9 HEALTH-CARE SERVICES FOR SEASONAL AND VOLUNTEER FIREFIGHTERS
10 INVOLVED IN WILDLAND FIRE SUPPRESSION; AND

11 (II) REIMBURSE MENTAL AND BEHAVIORAL HEALTH-CARE
12 SPECIALISTS WHO PROVIDE SERVICES TO FIREFIGHTERS WHO HAVE
13 PROVIDED DOCUMENTATION TO THE SPECIALIST THAT THEY HAVE SERVED
14 AS A VOLUNTEER OR SEASONAL WILDLAND FIREFIGHTER IN COLORADO,
15 PURSUANT TO RULES ADOPTED BY THE DIVISION.

16 (b) The division may expend up to three percent per year from the
17 fund for its direct and indirect costs in administering the ~~grant program~~
18 PROGRAMS AUTHORIZED BY THIS SECTION. The general assembly intends
19 that the need-based grants from the fund are in addition to, and do not
20 supplant, other sources of funding regarding firefighting.

21 (3) The director shall promulgate rules governing THE
22 REIMBURSEMENT OF MENTAL AND BEHAVIORAL HEALTH-CARE SPECIALISTS
23 AND the award of grants pursuant to subsection (2) of this section,
24 including consideration of:

25 (a) The recommendations of the fire service training, certification,
26 and firefighter safety advisory board, created in section 24-33.5-1204 (1),
27 concerning the grant application process, funding priorities, and the

1 criteria for awarding grants, SUBJECT TO THE REQUIREMENTS OF
2 SUBSECTION (3.5) OF THIS SECTION;

3 (b) How to structure the grant application process, which must
4 include a merit-based, peer-review process with grant reviewers from the
5 Colorado state fire chiefs, Colorado professional fire fighters association,
6 ~~and~~ the Colorado state fire fighters association, AND INDIVIDUALS WITH
7 EXPERIENCE AS VOLUNTEER FIREFIGHTERS in equal representation. The
8 peer reviewers shall make recommendations to the director on the award
9 of grants under the program.

10 (3.5) IN AWARDING GRANTS, THE DIVISION SHALL GIVE PRIORITY
11 TO GOVERNING BODIES AND VOLUNTEER FIRE DEPARTMENTS THAT:

12 (a) RELY PRIMARILY OR SOLELY ON VOLUNTEER FIREFIGHTERS AND
13 ARE SERVING COMMUNITIES AFFECTED BY WILDLAND FIRES;

14 (b) DEMONSTRATE A LOSS OF TAX REVENUE DUE TO DECREASED
15 ASSESSMENT VALUES AS A RESULT OF A WILDLAND FIRE IN THE FIRE
16 DEPARTMENT'S JURISDICTION IN THE PREVIOUS FIVE YEARS; OR

17 (c) DEMONSTRATE THE GREATEST NEED FOR ADDITIONAL FUNDING
18 TO ENSURE THE SAFETY OF VOLUNTEER AND SEASONAL FIREFIGHTERS.

19 (4) (a) (I) ~~On July 1, 2018, the state treasurer shall transfer two~~
20 ~~hundred fifty thousand dollars from the general fund to the fund~~ FOR
21 EACH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIVE
22 MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND FOR THE
23 IMPLEMENTATION OF THIS SECTION. THE GENERAL ASSEMBLY MAY
24 APPROPRIATE ADDITIONAL MONEY TO THE FUND AS NECESSARY TO MEET
25 THE NEEDS OF FIRE DEPARTMENTS ACROSS THE STATE.

26 (II) ON OR BEFORE SEPTEMBER 1, 2032, THE STAFF OF THE JOINT
27 BUDGET COMMITTEE SHALL REVIEW THE IMPLEMENTATION OF THE GRANT

1 PROGRAM AND MAKE A RECOMMENDATION TO THE JOINT BUDGET
2 COMMITTEE AND TO THE WILDFIRE MATTERS REVIEW COMMITTEE OR ANY
3 SUCCESSOR COMMITTEE AS TO WHETHER THE ANNUAL APPROPRIATION
4 REQUIRED BY SUBSECTION (4)(a)(I) OF THIS SECTION SHOULD BE ADJUSTED
5 BASED ON THE CURRENT NEEDS OF FIRE DEPARTMENTS ACROSS THE STATE.

6 (b) SUBJECT TO AVAILABLE APPROPRIATIONS, the division shall
7 ~~use this money to make~~ AWARD grants ~~under subsection (2) of~~ AT LEAST
8 ONCE ANNUALLY IN ACCORDANCE WITH this section ~~In no event shall any~~
9 ~~individual grant be in excess of the amount of twenty-five thousand~~
10 ~~dollars~~ AND SHALL ALLOW GOVERNING BODIES AND VOLUNTEER FIRE
11 DEPARTMENTS TO SUBMIT APPLICATIONS THROUGHOUT THE YEAR ON AN
12 AS-NEEDED BASIS DUE TO EMERGENT CIRCUMSTANCES.

13 **SECTION 4.** In Colorado Revised Statutes, 29-22.5-103, **amend**
14 (1)(d) as follows:

15 **29-22.5-103. Wildland fires - general authority and**
16 **responsibilities.** (1) (d) The fire chief shall not seek reimbursement from
17 the county for expenses incurred by the district for their own apparatus,
18 equipment, and personnel used in containing or suppressing a wildfire
19 occurring on private property within the boundaries of the district,
20 EXCEPT AS PROVIDED IN SECTION 30-10-513 (3)(b).

21 **SECTION 5.** In Colorado Revised Statutes, 30-10-513, **amend**
22 (3) as follows:

23 **30-10-513. Duties of sheriff - coordination of fire suppression**
24 **efforts for forest, prairie, or wildland fire - expenses.** (3) (a) The
25 board of county commissioners of any county may allow the sheriff,
26 undersheriffs, deputies, municipal or county fire departments, fire
27 protection districts, fire authorities, and such other persons as may be

1 called upon to assist in controlling or extinguishing a prairie, forest, or
2 wildland fire such compensation and reimbursement for other expenses
3 necessarily incurred as the board deems just.

4 (b) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY MAY
5 ALLOW A FIRE DEPARTMENT, FIRE PROTECTION DISTRICT, OR VOLUNTEER
6 FIRE DEPARTMENT COMPENSATION AND REIMBURSEMENT FROM A COUNTY
7 FUNDING SOURCE FOR OTHER EXPENSES NECESSARILY INCURRED IN
8 CONTROLLING OR EXTINGUISHING A PRAIRIE, FOREST, OR WILDLAND FIRE
9 WITHIN THE JURISDICTION OR BOUNDARIES OF THE FIRE DEPARTMENT, FIRE
10 PROTECTION DISTRICT, OR VOLUNTEER FIRE DEPARTMENT IF THE
11 CIRCUMSTANCES SET FORTH IN SECTION 24-33.5-1220 (6)(a)(I), (6)(a)(II),
12 AND (6)(a)(III) ARE MET, AS THE BOARD DEEMS JUST.

13 **SECTION 6.** In Colorado Revised Statutes, 30-10-513.5, **add**
14 (1)(c) as follows:

15 **30-10-513.5. Authority of sheriff relating to fires within**
16 **unincorporated areas of county - liability for expenses.** (1) (c) THIS
17 SECTION DOES NOT PROHIBIT A COUNTY FROM REIMBURSING A FIRE
18 PROTECTION DISTRICT, FIRE DEPARTMENT, OR VOLUNTEER FIRE
19 DEPARTMENT FOR EXPENSES NECESSARILY INCURRED IN CONTROLLING OR
20 EXTINGUISHING A PRAIRIE, FOREST, OR WILDLAND FIRE FROM A COUNTY
21 FUNDING SOURCE IN ACCORDANCE WITH SECTION 30-10-513 (3)(b).

22 **SECTION 7. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety.

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

BILL D

LLS NO. 22-0191.01 Bob Lackner x4350

HOUSE BILL

HOUSE SPONSORSHIP

Valdez D. and Lynch, Cutter, Will

SENATE SPONSORSHIP

Simpson and Lee, Ginal, Story

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING WILDFIRE MITIGATION ASSISTANCE FOR LANDOWNERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Wildfire Matters Review Committee. Section 1 of the bill establishes the wildfire mitigation resources and best practices grant program (grant program) within the Colorado state forest service (forest service). To be eligible to receive a grant, a recipient must be an agency of local government, a county, municipality, special district, a tribal agency or program, or a nonprofit organization.

The forest service is tasked with reviewing grant applications. Grants must be awarded to applicants proposing to conduct outreach

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

among landowners in high wildfire hazard areas and the forest service must consider the potential impact of the applicants' proposed outreach when awarding grants.

The forest service must report to the wildfire matters review committee on the grant program.

Section 2 repeals the existing income tax deduction created to offset the landowner's costs incurred in performing wildfire mitigation measures for the 2023 and subsequent income tax years.

Section 3 creates a state income tax credit to reimburse a landowner for the costs incurred in performing wildfire mitigation measures on the landowner's property. Specifically, a landowner with a federal taxable income at or below \$120,000 for the income tax year commencing on or after January 1, 2023, as adjusted for inflation and rounded to the nearest hundred dollar amount for each income tax year thereafter, is allowed a state income tax credit in an amount equal to 25% of up to \$2,500 in costs for wildfire mitigation measures. The maximum total credit in a taxable year is \$625.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 23-31-310.5 as follows:

23-31-310.5. Wildfire mitigation resources and best practices grant program - creation - report - definitions - repeal. (1) THERE IS HEREBY CREATED IN THE FOREST SERVICE THE WILDFIRE MITIGATION RESOURCES AND BEST PRACTICES GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM". GRANT RECIPIENTS MAY USE THE MONEY TO CONDUCT OUTREACH AMONG LANDOWNERS TO INFORM THEM OF RESOURCES AVAILABLE FOR WILDFIRE MITIGATION AND BEST PRACTICES FOR WILDFIRE MITIGATION.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DIRECTOR" MEANS THE DIRECTOR OF THE FOREST SERVICE.

(b) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST SERVICE IDENTIFIED IN SECTION 23-31-302 AND THE DIVISION OF

1 FORESTRY CREATED IN SECTION 24-33-104.

2 (3) THE FOREST SERVICE SHALL ADMINISTER THE GRANT PROGRAM
3 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
4 PROVIDED IN THIS SECTION. THE FOREST SERVICE SHALL DEVELOP AND
5 PUBLISH POLICIES AND PROCEDURES TO IMPLEMENT THE GRANT PROGRAM
6 IN ACCORDANCE WITH THIS SECTION. AT A MINIMUM, THE POLICIES AND
7 PROCEDURES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS,
8 THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE GRANT
9 PROGRAM EVALUATION AND REPORTING REQUIREMENTS FOR GRANT
10 RECIPIENTS.

11 (4) TO BE ELIGIBLE TO RECEIVE A GRANT, AN ENTITY MUST BE AN
12 AGENCY OF LOCAL GOVERNMENT, A COUNTY, A MUNICIPALITY, A SPECIAL
13 DISTRICT, A TRIBAL AGENCY OR PROGRAM, OR A NONPROFIT
14 ORGANIZATION THAT IS REGISTERED AND IN GOOD STANDING WITH THE
15 SECRETARY OF STATE'S OFFICE. APPLICANTS MUST MEET ANY OTHER
16 CRITERIA SPECIFIED IN THE FOREST SERVICE'S POLICIES AND PROCEDURES.

17 (5) THE FOREST SERVICE SHALL REVIEW THE APPLICATIONS
18 RECEIVED PURSUANT TO THIS SECTION. THE FOREST SERVICE SHALL ONLY
19 AWARD GRANTS TO APPLICANTS PROPOSING TO CONDUCT OUTREACH
20 AMONG LANDOWNERS IN HIGH WILDFIRE HAZARD AREAS AND SHALL
21 CONSIDER THE POTENTIAL IMPACT OF THE APPLICANTS' PROPOSED
22 OUTREACH WHEN AWARDING GRANTS.

23 (6) SUBJECT TO AVAILABLE APPROPRIATIONS, NOT LATER THAN
24 JANUARY 1, 2024, AND ON OR BEFORE JANUARY 1 EACH YEAR
25 THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM, THE DIRECTOR
26 SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. GRANTS ARE
27 AWARDED AT THE SOLE DISCRETION OF THE DIRECTOR IN ACCORDANCE

1 WITH THIS SECTION.

2 (7) ON OR BEFORE SEPTEMBER 1, 2025, AND ON OR BEFORE
3 SEPTEMBER 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT
4 PROGRAM, THE FOREST SERVICE SHALL SUBMIT A REPORT TO THE WILDFIRE
5 MATTERS REVIEW COMMITTEE, OR ANY SUCCESSOR COMMITTEE, ON THE
6 GRANT PROGRAM. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
7 REPORTING REQUIREMENT CONTINUES UNTIL THE GRANT PROGRAM IS
8 REPEALED PURSUANT TO SUBSECTION (9) OF THIS SECTION.

9 (8) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
10 MONEY FROM THE GENERAL FUND TO THE FOREST SERVICE TO IMPLEMENT
11 THE GRANT PROGRAM. THE FOREST SERVICE MAY USE A PORTION OF THE
12 MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO PAY THE
13 DIRECT AND INDIRECT COSTS THAT THE FOREST SERVICE INCURS TO
14 ADMINISTER THE GRANT PROGRAM.

15 (9) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2029.

16 **SECTION 2.** In Colorado Revised Statutes, 39-22-104, **amend**
17 (4)(n.5)(I)(A) and (4)(n.5)(IV) as follows:

18 **39-22-104. Income tax imposed on individuals, estates, and**
19 **trusts - single rate - report - legislative declaration - definitions -**
20 **repeal.** (4) There shall be subtracted from federal taxable income:

21 (n.5) (I) (A) For income tax years commencing on or after January
22 1, 2014, but prior to January 1, 2017, and for income tax years
23 commencing on or after January 1, 2020, but prior to ~~January 1, 2025,~~
24 JANUARY 1, 2023, an amount equal to fifty percent of a landowner's costs
25 incurred in performing wildfire mitigation measures in that income tax
26 year on his or her property located within the state; except that the amount
27 of the deduction claimed in an income tax year shall not exceed two

1 thousand five hundred dollars or the total amount of the landowner's
2 federal taxable income for the income tax year for which the deduction
3 is claimed, whichever is less.

4 (IV) This ~~paragraph (n.5)~~ SUBSECTION (4)(n.5) is repealed,
5 effective ~~January 1, 2026~~ JANUARY 1, 2025.

6 **SECTION 3.** In Colorado Revised Statutes, **add** 39-22-543 as
7 follows:

8 **39-22-543. Credit for wildfire hazard mitigation expenses -**
9 **legislative declaration - definitions - repeal.** (1) THE GENERAL
10 ASSEMBLY DECLARES THAT THE PURPOSE OF THE TAX EXPENDITURE IN
11 THIS SECTION IS TO REIMBURSE A LANDOWNER FOR THE COSTS INCURRED
12 IN PERFORMING WILDFIRE MITIGATION MEASURES ON THE LANDOWNER'S
13 PROPERTY LOCATED WITHIN THE STATE.

14 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES:

16 (a) "COSTS" MEANS ANY ACTUAL OUT-OF-POCKET EXPENSE
17 INCURRED AND PAID BY THE LANDOWNER, DOCUMENTED BY RECEIPT, FOR
18 PERFORMING WILDFIRE MITIGATION MEASURES. "COSTS" DOES NOT
19 INCLUDE ANY INSPECTION OR CERTIFICATION FEES, IN-KIND
20 CONTRIBUTIONS, DONATIONS, INCENTIVES, OR COST SHARING ASSOCIATED
21 WITH PERFORMING WILDFIRE MITIGATION MEASURES. "COSTS" DOES NOT
22 INCLUDE EXPENSES PAID BY THE LANDOWNER FROM ANY GRANTS
23 AWARDED TO THE LANDOWNER FOR PERFORMING WILDFIRE MITIGATION
24 MEASURES.

25 (b) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE
26 UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS
27 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL

1 ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR
2 OR SUCCESSOR INDEX.

3 (c) "LANDOWNER" MEANS ANY OWNER OF RECORD OF PRIVATE
4 LAND LOCATED WITHIN THE STATE, INCLUDING ANY EASEMENT,
5 RIGHT-OF-WAY, OR ESTATE IN THE LAND, AND INCLUDES THE HEIRS,
6 SUCCESSORS, AND ASSIGNS OF SUCH LAND. "LANDOWNER" SHALL NOT
7 INCLUDE ANY PARTNERSHIP, S CORPORATION, OR OTHER SIMILAR ENTITY
8 THAT OWNS PRIVATE LAND AS AN ENTITY, UNLESS THERE IS A DWELLING
9 ON THAT LAND THAT IS DESIGNED FOR RESIDENTIAL OCCUPANCY.

10 (d) "WILDFIRE MITIGATION MEASURES" MEANS THE CREATION OF
11 A DEFENSIBLE SPACE AROUND STRUCTURES; THE ESTABLISHMENT OF FUEL
12 BREAKS; THE THINNING OF WOODY VEGETATION FOR THE PRIMARY
13 PURPOSE OF REDUCING RISK TO STRUCTURES FROM WILDLAND FIRE; OR
14 THE SECONDARY TREATMENT OF WOODY FUELS BY LOPPING AND
15 SCATTERING, PILING, CHIPPING, REMOVING FROM THE SITE, OR PRESCRIBED
16 BURNING; SO LONG AS SUCH ACTIVITIES MEET OR EXCEED ANY COLORADO
17 STATE FOREST SERVICE STANDARDS OR ANY OTHER APPLICABLE STATE
18 RULES.

19 (3) (a) IN THE CASE OF TWO TAXPAYERS FILING A JOINT RETURN,
20 THE AMOUNT OF THE CREDIT SHALL NOT EXCEED SIX HUNDRED
21 TWENTY-FIVE DOLLARS IN ANY TAXABLE YEAR. IN THE CASE OF TWO
22 TAXPAYERS WHO MAY LEGALLY FILE A JOINT RETURN BUT ACTUALLY FILE
23 SEPARATE RETURNS, ONLY ONE OF THE TAXPAYERS MAY CLAIM THE
24 CREDIT SPECIFIED IN THIS SECTION.

25 (b) IN THE CASE OF REAL PROPERTY OWNED BY TENANTS IN
26 COMMON OR JOINT TENANTS, THE CREDIT ALLOWED PURSUANT TO THIS
27 SECTION IS ONLY ALLOWED FOR ONE OF THE INDIVIDUALS OF THE

1 OWNERSHIP GROUP.

2 (4) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY
3 1, 2023, BUT PRIOR TO JANUARY 1, 2026, A LANDOWNER WITH A FEDERAL
4 TAXABLE INCOME AT OR BELOW ONE HUNDRED TWENTY THOUSAND
5 DOLLARS FOR THE INCOME TAX YEAR COMMENCING ON OR AFTER
6 JANUARY 1, 2023, AS ADJUSTED FOR INFLATION AND ROUNDED TO THE
7 NEAREST HUNDRED DOLLAR AMOUNT FOR EACH INCOME TAX YEAR
8 THEREAFTER, IS ALLOWED A CREDIT AGAINST THE INCOME TAXES IMPOSED
9 BY THIS ARTICLE 22 IN AN AMOUNT EQUAL TO TWENTY-FIVE PERCENT OF
10 UP TO TWO THOUSAND FIVE HUNDRED DOLLARS IN COSTS FOR WILDFIRE
11 MITIGATION MEASURES. THE MAXIMUM TOTAL CREDIT IN A TAXABLE YEAR
12 IS SIX HUNDRED TWENTY-FIVE DOLLARS.

13 (5) IF THE AMOUNT OF A CREDIT UNDER THIS SECTION EXCEEDS A
14 TAXPAYER'S ACTUAL TAX LIABILITY FOR AN INCOME TAX YEAR, THE
15 AMOUNT OF THE CREDIT NOT USED TO OFFSET THE TAXPAYER'S INCOME
16 TAX LIABILITY IS NOT REFUNDED TO THE TAXPAYER AND SHALL NOT BE
17 CARRIED FORWARD AS A TAX CREDIT AGAINST THE TAXPAYER'S INCOME
18 TAX LIABILITY IN ANY SUBSEQUENT TAX YEAR.

19 (6) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2029.

20 **SECTION 4. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

BILL E

LLS NO. 22-0192.01 Bob Lackner x4350

HOUSE BILL

HOUSE SPONSORSHIP

Cutter and Snyder,

SENATE SPONSORSHIP

Story and Lee, Ginal

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF A STATE GRANT PROGRAM THAT**
102 **PROVIDES FUNDING TO LOCAL GOVERNMENTS THAT DEDICATE**
103 **RESOURCES FOR WILDFIRE MITIGATION PURPOSES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Wildfire Matters Review Committee. The bill establishes the wildfire mitigation incentives for local government grant program (grant program) in the Colorado state forest service (forest service). The grant program is established to provide state funding assistance in the form of grant awards to local governments to match revenue raised by such

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

governments from a dedicated revenue source that is intended to be used for forest management or wildfire mitigation efforts at the local level. Such wildfire mitigation efforts include, without limitation, projects that promote fuel breaks, forest thinning, a reduction in the amount or extent of fuels contributing to wildfires, outreach and education efforts directed at property owners and other members of the public, and any other means of forest management or wildfire mitigation as determined appropriate for funding by the forest service.

The grant program is administered by the forest service.

On or before March 1, 2023, the forest service is required to adopt policies, procedures, and guidelines for the grant program that include, without limitation:

- Procedures and timelines by which an eligible recipient may apply for a grant;
- Criteria for determining grant eligibility and grant amounts; and
- Reporting requirements for grant recipients.

Any funding awarded under the grant program must match revenues raised by the local government from a dedicated revenue source that is intended to be used for forest management or wildfire mitigation efforts at the local level in accordance with policies, procedures, and guidelines developed by the forest service.

In allocating funding under the grant program, preference will be given to certain eligible recipients based on prioritization factors enumerated in the bill.

Eligible recipients may apply for funding from the grant program, and the recipient's application for funding may be approved by the forest service, before the local government has created a dedicated revenue source that forms the basis for the match if the electors of the local government approve a ballot issue creating the revenue source at an election that takes place in the same calendar year in which the funding is awarded.

The bill creates the wildfire mitigation incentives local government grant program fund in the state treasury.

On or before November 1, 2024, and on or before November 1 of each year thereafter, the forest service is required to publish a report summarizing the use of all of the money that was awarded under the grant program in the preceding fiscal year. The bill specifies additional required components of the report. The report must be posted on the website of the forest service. The bill requires the Colorado department of higher education to summarize the information contained in the report in its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearings.

The bill requires the forest service to prepare educational materials concerning the grant program and to display such materials on its official

website. In addition, the forest service is also required to undertake outreach activities to inform local governments located in priority areas for wildfire mitigation of the grant program.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 23-31-318 as follows:

23-31-318. Wildfire mitigation incentives for local governments - grant awards - fund - reporting - definitions - repeal.

(1) AS USED IN THIS SECTION:

(a) "ELIGIBLE RECIPIENT" MEANS A LOCAL GOVERNMENT THAT IS ELIGIBLE TO RECEIVE A GRANT THROUGH THE GRANT PROGRAM.

(b) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST SERVICE IDENTIFIED IN SECTION 23-31-302.

(c) "FUND" MEANS THE WILDFIRE MITIGATION INCENTIVES FOR LOCAL GOVERNMENT GRANT PROGRAM FUND CREATED IN SUBSECTION (7)(a) OF THIS SECTION.

(d) "GRANT PROGRAM" MEANS THE WILDFIRE MITIGATION INCENTIVES FOR LOCAL GOVERNMENT GRANT PROGRAM ESTABLISHED IN SUBSECTION (2) OF THIS SECTION.

(e) "LOCAL GOVERNMENT" MEANS A COUNTY, A MUNICIPALITY, A CITY AND COUNTY, OR A HOME RULE COUNTY.

(2) THE WILDFIRE MITIGATION INCENTIVES FOR LOCAL GOVERNMENT GRANT PROGRAM IS HEREBY ESTABLISHED IN THE FOREST SERVICE. THE GRANT PROGRAM IS ESTABLISHED TO PROVIDE STATE ASSISTANCE IN THE FORM OF GRANT AWARDS TO LOCAL GOVERNMENTS TO MATCH REVENUE RAISED BY SUCH GOVERNMENTS FROM A DEDICATED REVENUE SOURCE THAT IS INTENDED TO BE USED FOR FOREST

1 MANAGEMENT OR WILDFIRE MITIGATION EFFORTS AT THE LOCAL LEVEL.
2 SUCH EFFORTS INCLUDE, WITHOUT LIMITATION, PROJECTS THAT PROMOTE
3 FUEL BREAKS, FOREST THINNING, A REDUCTION IN THE AMOUNT OR
4 EXTENT OF FUELS CONTRIBUTING TO WILDFIRES, OUTREACH AND
5 EDUCATION EFFORTS DIRECTED AT PROPERTY OWNERS AND OTHER
6 MEMBERS OF THE PUBLIC, AND ANY OTHER MEANS OF FOREST
7 MANAGEMENT OR WILDFIRE MITIGATION AS DETERMINED APPROPRIATE
8 FOR FUNDING BY THE FOREST SERVICE.

9 (3) (a) THE FOREST SERVICE SHALL ADMINISTER THE GRANT
10 PROGRAM.

11 (b) IN CONNECTION WITH ITS ADMINISTRATION OF THE GRANT
12 PROGRAM, THE FOREST SERVICE SHALL CREATE A PROCESS THAT ENSURES
13 THAT GRANTS ARE AWARDED AFTER AN OPEN COMPETITION AMONG
14 ELIGIBLE GRANT RECIPIENTS.

15 (4) (a) ON OR BEFORE MARCH 1, 2023, THE FOREST SERVICE SHALL
16 ADOPT POLICIES, PROCEDURES, AND GUIDELINES FOR THE GRANT PROGRAM
17 THAT INCLUDE, WITHOUT LIMITATION:

18 (I) PROCEDURES AND TIMELINES BY WHICH AN ELIGIBLE RECIPIENT
19 MAY APPLY FOR A GRANT;

20 (II) CRITERIA FOR DETERMINING GRANT ELIGIBILITY AND GRANT
21 AMOUNTS; AND

22 (III) REPORTING REQUIREMENTS FOR GRANT RECIPIENTS.

23 (b) ALL FUNDING UNDER THE GRANT PROGRAM MUST MATCH
24 REVENUES RAISED BY THE LOCAL GOVERNMENT FROM A DEDICATED
25 REVENUE SOURCE THAT IS INTENDED TO BE USED FOR FOREST
26 MANAGEMENT OR WILDFIRE MITIGATION EFFORTS AT THE LOCAL LEVEL IN
27 ACCORDANCE WITH POLICIES, PROCEDURES, AND GUIDELINES DEVELOPED

1 BY THE FOREST SERVICE.

2 (5) IN AWARDING GRANTS, THE FOREST SERVICE SHALL GIVE
3 PREFERENCE TO THE FOLLOWING ELIGIBLE RECIPIENTS:

4 (a) RECIPIENTS WITH TERRITORIAL BOUNDARIES LOCATED WITHIN
5 PRIORITY AREAS FOR WILDFIRE MITIGATION AS DETERMINED BY THE
6 FOREST SERVICE;

7 (b) FUNDING THAT IS INTENDED TO BENEFIT PEOPLE RESIDING IN A
8 COMMUNITY THAT RANKS HIGH ON THE SOCIAL VULNERABILITY INDEX
9 DEVELOPED BY THE FOREST SERVICE;

10 (c) RECIPIENTS THAT MAKE AVAILABLE DEDICATED AND
11 FULL-TIME EMPLOYEES TO COLLABORATE WITH PRIVATE LANDOWNERS TO
12 IMPLEMENT WILDFIRE MITIGATION MEASURES;

13 (d) INITIATIVES OF A LONGER DURATION THAT ARE INTENDED TO
14 GIVE ELIGIBLE RECIPIENTS A STABLE SOURCE OF REVENUE FOR FOREST
15 MANAGEMENT AND WILDFIRE MITIGATION EFFORTS; AND

16 (e) INITIATIVES EMPHASIZING A REGIONAL APPROACH TO
17 PROMOTING FOREST MANAGEMENT AND WILDFIRE MITIGATION.

18 (6) (a) AN ELIGIBLE RECIPIENT RECEIVING FUNDING FROM THE
19 GRANT PROGRAM SHALL DEDICATE MONEY RECEIVED FROM THE AWARD
20 TO THE SAME PURPOSE FOR WHICH THE ELIGIBLE RECIPIENT ADOPTED THE
21 REVENUE SOURCE THAT QUALIFIED THE ELIGIBLE RECIPIENT FOR THE
22 AWARD.

23 (b) ELIGIBLE RECIPIENTS MAY APPLY FOR FUNDING FROM THE
24 GRANT PROGRAM, AND THE RECIPIENT'S APPLICATION FOR FUNDING MAY
25 BE APPROVED BY THE FOREST SERVICE, BEFORE THE LOCAL GOVERNMENT
26 HAS CREATED A DEDICATED REVENUE SOURCE THAT FORMS THE BASIS FOR
27 THE MATCH IF THE ELECTORS OF THE LOCAL GOVERNMENT APPROVE A

1 BALLOT ISSUE CREATING THE REVENUE SOURCE AT AN ELECTION THAT
2 TAKES PLACE IN THE SAME CALENDAR YEAR IN WHICH THE FUNDING IS
3 AWARDED.

4 (c) THE TERMS OF ANY AWARD UNDER THE GRANT PROGRAM MUST
5 BE MEMORIALIZED IN A MEMORANDUM OF UNDERSTANDING OR SIMILAR
6 FORM OF AGREEMENT BETWEEN THE FOREST SERVICE AND THE ELIGIBLE
7 RECIPIENT.

8 (7) (a) THE WILDFIRE MITIGATION INCENTIVES FOR LOCAL
9 GOVERNMENT GRANT PROGRAM FUND IS HEREBY CREATED IN THE STATE
10 TREASURY. THE FUND CONSISTS OF MONEY APPROPRIATED TO THE FUND
11 BY THE GENERAL ASSEMBLY AND ANY GIFTS, GRANTS, OR DONATIONS
12 FROM ANY PUBLIC OR PRIVATE SOURCES, INCLUDING GOVERNMENTAL
13 ENTITIES, THAT THE FOREST SERVICE IS HEREBY AUTHORIZED TO SEEK AND
14 ACCEPT.

15 (b) THE FUND MUST ONLY BE USED FOR THE PURPOSE OF FUNDING
16 AWARDS UNDER THE GRANT PROGRAM LESS THE ADMINISTRATIVE COSTS
17 OF THE FOREST SERVICE, NOT TO EXCEED FIVE PERCENT OF THE BALANCE
18 IN THE FUND AT ANY ONE TIME, IN ADMINISTERING THE GRANT PROGRAM.

19 (c) EXCEPT AS OTHERWISE REQUIRED BY THIS SUBSECTION (7), ALL
20 MONEY NOT EXPENDED OR ENCUMBERED, AND ALL INTEREST EARNED ON
21 THE INVESTMENT OR DEPOSIT OF MONEY IN THE FUND, MUST REMAIN IN
22 THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER
23 FUND AT THE END OF ANY FISCAL YEAR. THE MONEY IN THE FUND IS
24 CONTINUOUSLY APPROPRIATED TO THE FOREST SERVICE FOR THE PURPOSES
25 OF THIS SECTION.

26 (8) (a) ON OR BEFORE NOVEMBER 1, 2024, AND ON OR BEFORE
27 NOVEMBER 1 OF EACH YEAR THEREAFTER, THE FOREST SERVICE SHALL

1 PUBLISH A REPORT SUMMARIZING THE USE OF ALL OF THE MONEY THAT
2 WAS AWARDED UNDER THE GRANT PROGRAM IN THE PRECEDING FISCAL
3 YEAR. AT A MINIMUM, THE REPORT SHALL SPECIFY THE NAMES OF THE
4 LOCAL GOVERNMENTS THAT HAVE BEEN AWARDED GRANTS, THE AMOUNT
5 OF FUNDING DISTRIBUTED TO EACH GRANT RECIPIENT, A DESCRIPTION OF
6 EACH GRANT RECIPIENT'S USE OF THE GRANT MONEY, AND ANY OTHER
7 INFORMATION DEEMED BENEFICIAL FOR INCLUSION IN THE REPORT IN THE
8 DISCRETION OF THE FOREST SERVICE. THE REPORT MUST BE POSTED ON
9 THE WEBSITE OF THE FOREST SERVICE.

10 (b) IN ITS PRESENTATION TO THE JOINT COMMITTEES OF REFERENCE
11 PURSUANT TO SECTION 2-7-203, THE DEPARTMENT OF HIGHER EDUCATION
12 SHALL SUMMARIZE THE INFORMATION CONTAINED IN THE REPORT
13 PUBLISHED BY THE DIVISION PURSUANT TO SUBSECTION (8)(a) OF THIS
14 SECTION.

15 (9) THE FOREST SERVICE SHALL PREPARE EDUCATIONAL
16 MATERIALS CONCERNING THE GRANT PROGRAM AND SHALL DISPLAY SUCH
17 MATERIALS ON ITS OFFICIAL WEBSITE. IN ADDITION, THE FOREST SERVICE
18 SHALL UNDERTAKE OUTREACH ACTIVITIES TO INFORM LOCAL
19 GOVERNMENTS LOCATED IN PRIORITY AREAS FOR WILDFIRE MITIGATION OF
20 THE GRANT PROGRAM.

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.